

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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C. ROBERT ALLEN, III, by LUKE ALLEN, as Guardian for :  
the Property Management of C. Robert Allen, III, :

Plaintiff, :

- against - :

CHRISTOPHER DEVINE, BRUCE BUZIL, LAKESHORE :  
MEDIA, LLC, MILLCREEK BROADCASTING LLC, :  
COLLEGE CREEK MEDIA LLC, MARATHON MEDIA :  
GROUP, LLC, 3 POINT MEDIA – SALT LAKE CITY, LLC, :  
3 POINT MEDIA DELTA, LLC, 3 POINT MEDIA – UTAH, :  
LLC, 3 POINT MEDIA – FRANKLIN, LLC, 3 POINT :  
MEDIA – PRESCOTT VALLEY, LLC, 3 POINT MEDIA – :  
COALVILLE, LLC, 3 POINT MEDIA - ARIZONA, LLC, 3 :  
POINT MEDIA - FLORIDA, LLC, 3 POINT MEDIA - :  
KANSAS, LLC, 3 POINT MEDIA - OGDEN, LLC, 3 POINT :  
MEDIA - SAN FRANCISCO, LLC, MIDVALLEY RADIO :  
PARTNERS, LLC, D&B TOWERS LLC, SUPERIOR :  
BROADCASTING OF NEVADA, LLC, SUPERIOR :  
BROADCASTING OF DENVER, LLC, WACKENBURG :  
ASSOCIATES, LLC, PORTLAND BROADCASTING LLC, :  
DESERT SKY MEDIA LLC, SKY MEDIA LLC, DEVINE :  
RACING MANAGEMENT, LLC, ACB CONSULTING CO., :  
RICHARD DAVIS, EXCELSIOR CAPITAL, LLC, :  
SUPERIOR BROADCASTING CO., and John Does 1-50, :

Defendants. :  
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09-CV-0668

(ADS) (MLO)

**DECLARATION OF  
ALEXANDRA WALD**

I, Alexandra Wald, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted to practice in the State of New York and am a member in good standing of the Bar of the United States District Court for the Eastern District of New York. I am a partner at the law firm of Cohen & Gresser LLP, with offices at 100 Park

Avenue, 23rd Floor, New York, NY 10017, which is counsel for Plaintiff C. Robert Allen, III, by Luke Allen as Guardian for the Property Management of C. Robert Allen, III.

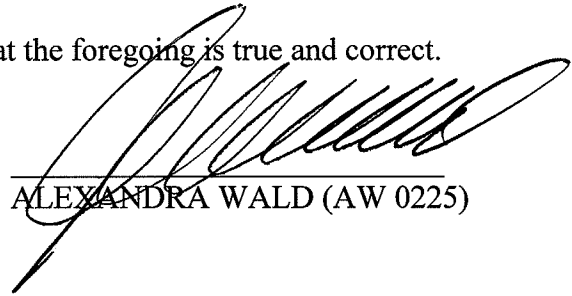
2. I submit this Declaration to place certain documents before the Court in support of Plaintiff's Opposition to the motion of defendants Christopher Devine ("Devine"), Lakeshore Media, LLC, College Creek Media LLC, Marathon Media Group, LLC, 3 Point Media – Salt Lake City, LLC, 3 Point Media – Prescott Valley, LLC, 3 Point Media – Coalville, LLC, 3 Point Media – Arizona, LLC, 3 Point Media – Florida, LLC, 3 Point Media – Kansas, LLC, 3 Point Media, Ogden, LLC, 3 Point Media – San Francisco, LLC, Midvalley Radio Partners, LLC, Superior Broadcasting of Nevada, LLC, Superior Broadcasting of Denver, LLC, Wackenburg Associates, LLC, Portland Broadcasting LLC, Desert Sky Media LLC, Sky Media LLC, and ACB Consulting Co. (collectively with Devine, the "Moving Defendants") to dismiss the Amended Complaint.

3. Attached hereto as Exhibit A is a true and correct copy of the Affidavit of Christopher Devine (Docket No. 19, Attachment #6) filed in this action on April 3, 2009.

4. Attached hereto as Exhibit B is a true and correct copy of an ownership report filed by Devine with the FCC, dated April 30, 2009. In the ownership report, Devine certifies certain facts about his radio enterprise under penalty of perjury (*see* page 4), including that "Christopher F. Devine is the sole voting shareholder of Superior Broadcasting Co." *See* Ex. 1, p. 4, n. 7.

5. Attached hereto as Exhibit C is a true and correct copy of the Moving Defendants' Response to Plaintiff's First Set of Requests for Admissions sworn to by Devine on September 8, 2009. In admission 53 Devine admits that as of April 30, 2009 he was not the sole voting shareholder of Superior Broadcasting Co.

I declare under penalty of perjury that the foregoing is true and correct.



ALEXANDRA WALD (AW 0225)

Executed on February 24, 2010.